

FILED

SEP 23 2020

Clerk, U S District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LYNN BRAINE,

Defendant.

CR 19-64-BLG-SPW

ORDER

Upon the parties' Stipulation RE: Forensic Evaluation and Competency Restoration (Doc. 24), and for good cause appearing,

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 4241(d)(2)(A), Defendant Terry Lynn Braine is suffering from a mental disease or defect rendering him incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or assist in his defense. The Defendant Terry Lynn Braine is not now competent to stand trial.

IT IS FURTHER ORDERED:

1. Defendant Terry Lynn Braine is committed to the custody of the Attorney General.

2. The Attorney General shall hospitalize Defendant Terry Lynn Braine for an additional reasonable period of time until his mental condition is so improved that trial may proceed, the court having found that there is a substantial probability that within such additional period of time he will attain the capacity to permit the proceedings to go forward. This treatment shall occur in a suitable facility for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future Defendant Terry Lynn Braine will attain the capacity to permit the trial to proceed. 18 U.S.C. § 4241(d)(2)(A).


3. In the event the facility finds there is no substantial probability that in the foreseeable future the defendant will be able to assist in his defense and permit this case to move forward, the director of the facility shall file a certificate, pursuant to 18 U.S.C. § 4246(a), stating whether the defendant is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another and whether suitable arrangements for state custody and care of the person are available.

4. For purposes of the Speedy Trial Act, the delay resulting from this treatment is excludable under 18 U.S.C. § 3161(h)(1)(A).

IT IS FURTHER ORDERED that the competency hearing set for Thursday, October 1, 2020 at 9:30 a.m. is **VACATED**.

The Clerk of Court is directed to notify counsel and the U.S. Marshals Service of the making of this Order.

DATED this 23rd day of September, 2020.



SUSAN P. WATTERS
United States District Judge